

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

No. 3:06-CR-74-2BR

UNITED STATES OF AMERICA,

v.

RICKY EDWARD GRAVES

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ORDER

This matter is before the court on defendant's motions to dismiss both counts of the indictment. The government has responded to the motions, and defendant filed a reply. On 13 February 2007, the grand jury returned a superseding indictment, charging defendant with the same crimes as in the original indictment. The court assumes defendant renews his motions to dismiss and construes the motions as to the superseding indictment. Having fully considered the motions, they are DENIED.

Finally, given that the co-defendants have pled guilty and the court has accepted all plea agreements, defendant's motion to sever is DENIED as moot.

This 23 February 2007.



W. Earl Britt
Senior U.S. District Judge